

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

IN RE: KUGEL MESH HERNIA PATCH LITIGATION
As it relates to all cases.

MDL DOCKET NO. 07-1842 ML

PRACTICE AND PROCEDURE ORDER NUMBER 5

This matter came before the Court on December 6, 2007 for a status conference. The Court considered items listed on the Amended Meeting Agenda (Docket #60). The Court now makes the following orders:

1. **Case Management Order.** The Court shall enter the agreed upon Case Management order with the following modifications:
 - a. The number of MDL attorneys who may examine the witness during a deposition shall be limited to two (2) per side.
 - b. The number of additional MDL attorneys who may be in attendance to observe shall be limited to two (2) per side.
 - c. The attorneys participating in MDL 07-1842 shall attempt to coordinate an efficient process with any other attorneys who may seek to participate in cross-noticed depositions.
2. **Mathein v. Davol, Inc.** Defendants shall respond in accordance with the guidelines set forth in the Case Management Order to Plaintiffs' motions in the Mathein

case concerning an answer to their Amended Complaint and concerning Rule 26(a) discovery.

3. **Rule 26 Discovery.** On or before December 14, 2007, Defendants shall produce:

- a. All insurance policies, including declaration pages identifying limits of coverage relative to the claims alleged in MDL 07-1842 pursuant to Rule 26(a).
- b. Names(s) of the person(s) most knowledgeable about the databases that have been the subject of written requests to the Defendants from the Plaintiffs.
- c. Names, positions and/or job titles of all individuals who were sent "Hold Letters."

4. **Plaintiff Fact Sheets, Bellwether Settlement.** For the ten (10) representative ring-break cases selected for the ADR process, Plaintiffs shall produce Plaintiff Fact Sheets to Defendants on or before January 2, 2008.

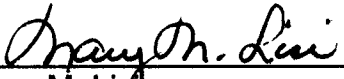
5. **Scope of MDL 07-1842.** On or before January 2, 2008, the parties shall submit position papers, not to exceed four (4) pages, on the scope of MDL 07-1842 with respect to the devices and failures at issue.

6. **Tutorial.** At the next status conference, each side is invited to present a concise tutorial of products at issue, potential product failures, and, if possible, the propensity of these products to experience continuing product failures.

7. **Next Meeting.** The Court will meet with lead counsel and defendants' counsel on January 8, 2008 at 1:00 p.m. in Room 307. Counsel shall submit to the Court a list of proposed agenda items on or before December 27, 2007. The Court will

publish the agenda on or before January 4, 2008.

SO ORDERED:



Mary M. Lisi
Chief United States District Judge
December 13, 2007